

RECEIPT #

Chrono

REGISTRY

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MEMORANDUM FOR: Deputy Comptroller  
NIO/Narcotics  
C/ ☐ PINS/DDO  
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SUBJECT: Status of Omnibus Anti-Drug Legislation

1. As of September 12, 1986, the status of major omnibus, anti-drug legislation is as follows.

House Leadership Bill

2. The House leadership's bill, H.R. 5484, was introduced on September 8, 1986, considered on the House floor on September 10th and 11th and passed the 11th. As introduced, the bill did not contain any provisions of concern to the Agency. Of interest were Section 122 commending the Secretary of State for his issuance of diplomatic passports to agents of the Drug Enforcement Administration and Section 322 authorizing the creation of commercial cover entities for the Customs Service anti-drug investigative activities. The bill was extensively amended on the House floor prior to passage, including several quite controversial amendments (death penalty, change in the exclusionary rule). We will review the bill as passed by the House as soon as copies are available.

Senate Democrats' Bill

3. The Senate Democrats' bill, S. 2798, was introduced on September 9th. Sections 103-106 of the bill are of concern to the Agency as they would create a "drug czar" (the "Director of National and International Drug Operations and Policy") and vest him with sweeping powers in the management of resources and information while sweeping aside rules of law to the contrary and disestablishing the National Drug Enforcement Policy Board. We have raised with staff our concerns about the "czar". In response, they indicated they would be amenable to including, at some point in the legislative process, the curative provisions contained in the legislation which established the Board (21 U.S.C. §1203 (d) - "... (T)he Board...shall not interfere with routine...intelligence decisions of any agency and shall undertake no activity inconsistent with the authorities and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947 or Executive Order 12333)".

We will continue to pursue this although a "drug czar" provision will be of more concern if it is included in the Senate Republicans' bill (see below).

4. Also of interest is Section 205 (c) which authorizes the appropriation of \$15 million to the Department of Justice for an "All Source Intelligence Center" and Section 443 which authorizes the Secretary of the Treasury to exchange information with foreign customs and law enforcement officials as appropriate.

#### Senate Republicans' Bill

5. The Senate Republicans are expected to introduce their proposal during the week of September 15th.

#### Administration Proposal

6. The Administration proposal is expected to be sent to the Congress on September 15th. There do not appear to be any provisions in it of concern to the Agency. Of interest, however, is Section 105 which explicitly provides that drug abuse is not a "handicap" as that term is used in handicap non-discrimination laws governing federal employment (the bill attempts to maintain the status quo with respect to such laws and alcohol abuse).

#### Prospects

7. It is likely that the Senate Republicans' bill will be the vehicle which the Senate uses in considering this legislation. To this may be added ideas from the Administration proposal, the Senate Democrats' proposal and the House bill. At this point, however, it is too early to tell how Senate consideration of the matter will be structured.

8. No bill appears to contain additional funding for the Agency. With respect to the \$12 million set aside for the Department of Defense (DoD) special anti-drug intelligence activities in South and Central America in S. 2638, the Senate version of the DoD authorization bill, it is possible that money will be added to the ultimate Senate anti-drug bill if a conference on the DoD authorization bill does not come about.

9. We will continue to keep you informed of developments concerning this legislation. Should you have any questions, please feel free to contact me

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Legislation Division  
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